

MORRIS ROBERSON #C-8364/CT-125

Name and Prisoner Booking Number

KERN VALLEY STATE PRISON

Place of Confinement

P. O. BOX 5103

Mailing Address

DELANO, CALIFORNIA 93216

City, State, Zip Code

FILED

Jul 07, 2022

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

(Failure to notify the Court of your change of address may result in dismissal of this action.)

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

<u>MORRIS ROBERSON</u> (Full Name of Plaintiff))	CASE NO.	1:22-cv-00833-SAB (PC) (To be supplied by the Clerk)
Plaintiff.)		
v.))
<u>(1) CDCR</u> (Full Name of Defendant))	CIVIL RIGHTS COMPLAINT BY A PRISONER	
<u>(2) D. CHAVEZ</u>)		
<u>(3) C. SALAZAR</u>)		
<u>(4) E. VALERO</u> Defendant(s).)		
<input checked="" type="checkbox"/> Check if there are additional Defendants and attach page 1-A listing them.)	<input checked="" type="checkbox"/> Original Complaint <input type="checkbox"/> First Amended Complaint <input type="checkbox"/> Second Amended Complaint

A. JURISDICTION

1. This Court has jurisdiction over this action pursuant to:

28 U.S.C. § 1343(a); 42 U.S.C. § 1983

28 U.S.C. § 1331; Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971).

Other: _____

2. Institution/city where violation occurred: KERN VALLEY STATE PRISON, DELANO, CA 93216

DEFENDANTS CONTINUED:

- 1 5. C. KYT
- 2 6. C. LIRIO
- 3 7. R. LOZA
- 4 8. R. CHARLES
- 5 9. R. RODRIGUEZ
- 6 10. S. FURLONG
- 7 11. J. HUNTER
- 8 12. R. GONZALEZ
- 9 13. R. CRUZ
- 10 14. J. ACEBEDO
- 11 15. C. PFEIFFER

15 THE ABOVE NAME DEFENDANTS ARE BEING SUED IN
16 BOTH THEIR INDIVIDUAL AND OFFICIAL CAPACITIES.

B. DEFENDANTS

1. Name of first Defendant: CDCR. The first Defendant is employed as:
KERN VALLEY STATE PRISON
 (Position and Title) (Institution)

2. Name of second Defendant: D. CHAVEZ. The second Defendant is employed as:
A CORRECTIONAL OFFICER - FCB5 at KERN VALLEY STATE PRISON.
 (Position and Title) (Institution)

3. Name of third Defendant: C. SALAZAR. The third Defendant is employed as:
A CORRECTIONAL OFFICER - FCB5 at KERN VALLEY STATE PRISON.
 (Position and Title) (Institution)

4. Name of fourth Defendant: E. VALERO. The fourth Defendant is employed as:
A CORRECTIONAL OFFICER - FCB5 at KERN VALLEY STATE PRISON.
 (Position and Title) (Institution)
 (CONTINUED ON PAGE #82)

If you name more than four Defendants, answer the questions listed above for each additional Defendant on a separate page.

C. PREVIOUS LAWSUITS

1. Have you filed any other lawsuits while you were a prisoner? Yes No

2. If yes, how many lawsuits have you filed? 3. Describe the previous lawsuits:

- a. First prior lawsuit:
 1. Parties: MORRIS ROBERSON v. A. GARCIA, et. al.
 2. Court and case number: NORTHERN DISTRICT; CASE NO. 3:16-CV-01087-EMG
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) DISMISSED; AND DID NOT APPEAL.
- b. Second prior lawsuit:
 1. Parties: MORRIS ROBERSON v. C. PFEIFFER
 2. Court and case number: EASTERN DISTRICT; CASE NO. 1:17-CV-01062-DAD
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) DISMISSED; AND DID NOT APPEAL.
- c. Third prior lawsuit:
 1. Parties: MORRIS ROBERSON v. J. FAMBROUGH, et. al.
 2. Court and case number: EASTERN DISTRICT; CASE NO. 1:21-CV-00990-SAB
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) PENDING.

If you filed more than three lawsuits, answer the questions listed above for each additional lawsuit on a separate page.

B.
DEFENDANTS CONTINUED:

- 1 5. NAME OF FIFTH DEFENDANT: C. KYT. THE FIFTH DEFENDANT
2 IS EMPLOYED AS A CORRECTIONAL OFFICER - FCSB2. AT KVSP.
- 3 6. NAME OF SIXTH DEFENDANT: C. LIRIO. THE SIXTH DEFENDANT
4 IS EMPLOYED AS A CORRECTIONAL OFFICER - FCSB2. AT KVSP.
- 5 7. NAME OF SEVENTH DEFENDANT: R. LOZA. THE SEVENTH DEFENDANT
6 IS EMPLOYED AS A CORRECTIONAL INVESTIGATIVE SERVICE UNIT
7 OFFICER. AT KVSP.
- 8 B. NAME OF EIGHTH DEFENDANT: R. CHARLES. THE EIGHTH DEFENDANT
9 IS EMPLOYED AS A CORRECTIONAL SERGEANT - FCP1. AT KVSP.
- 10 9. NAME OF NINTH DEFENDANT: R. RODRIGUEZ. THE NINTH DEFENDANT
11 IS EMPLOYED AS A CORRECTIONAL LIEUTENANT - FCP. AT KVSP.
- 12 10. NAME OF TENTH DEFENDANT: S. FURLONG. THE TENTH DEFENDANT
13 IS EMPLOYED AS A CORRECTIONAL OFFICER - FCSB2. AT KVSP.
- 14 11. NAME OF ELEVENTH DEFENDANT: J. HUNTER. THE ELEVENTH
15 DEFENDANT IS EMPLOYED AS A CORRECTIONAL ASSISTANT
16 INVESTIGATOR GANG OFFICER. AT KVSP.
- 17 12. NAME OF TWELFTH DEFENDANT: R. GONZALEZ. THE TWELFTH
18 DEFENDANT IS EMPLOYED AS A CORRECTIONAL ASSISTANT
19 INVESTIGATOR GANG OFFICER. AT KVSP.
- 20 13. NAME OF THIRTEENTH DEFENDANT: P. CRUZ. THE THIRTEENTH
21 DEFENDANT IS EMPLOYED AS A CORRECTIONAL LIEUTENANT
22 INVESTIGATOR GANG SUPERVISOR. AT KVSP.
- 23 14. NAME OF FOURTEENTH DEFENDANT: J. ACEBEDO. THE
24 FOURTEENTH DEFENDANT IS EMPLOYED AS A CORRECTIONAL
25 ASSOCIATE WARDEN. AT KVSP.
- 26 15. NAME OF FIFTEENTH DEFENDANT: C. PFEIFFER. THE
27 FIFTEENTH DEFENDANT IS EMPLOYED AS THE WARDEN. AT KVSP.

28 THE ABOVE LISTED DEFENDANT ARE BEING SUED IN BOTH
THEIR INDIVIDUAL AND OFFICIAL CAPACITIES.

D. CAUSE OF ACTION

CLAIM I

1. State the constitutional or other federal civil right that was violated: EIGHT AND FOURTEENTH AMENDMENT TO THE U.S. CONSTITUTION; 42 U.S.C. SECTION 1983.
2. Claim I. Identify the issue involved. Check **only one**. State additional issues in separate claims.

<input type="checkbox"/> Basic necessities	<input type="checkbox"/> Mail	<input type="checkbox"/> Access to the court	<input type="checkbox"/> Medical care
<input type="checkbox"/> Disciplinary proceedings	<input type="checkbox"/> Property	<input type="checkbox"/> Exercise of religion	<input type="checkbox"/> Retaliation
<input checked="" type="checkbox"/> Excessive force by an officer	<input type="checkbox"/> Threat to safety	<input type="checkbox"/> Other: _____	
3. Supporting Facts. State as briefly as possible the FACTS supporting Claim I. Describe exactly what **each Defendant** did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

(REDACTED) THE FIRST CLAIM IS ASSERTED BY THE PLAINTIFF AGAINST DEFENDANTS CHAVEZ, SALAZER, VALERO, KYT, LIRIO, LOZA, CHARLES, RODRIGUEZ, FURLONG, HUNTER, GONZALEZ, AND ACEBEDO. PLAINTIFF REALLEGES AND INCORPORATE THE ALLEGATIONS OF THE PRECEDING PARAGRAPHS 1 TO 8B, TO THE EXTENT RELEVANT, AS IF FULLY SET FORTH IN THIS CLAIM. DEFENDANTS CHAVEZ, SALAZER, VALERO, KYT, LIRIO, LOZA, CHARLES, RODRIGUEZ, FURLONG, HUNTER, GONZALEZ, AND ACEBEDO, ACTING OR PURPORTING TO ACT IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES AS LAW ENFORCEMENT OFFICERS, PERSONALLY UTILIZED, FAILED TO INTERCEDE AND PREVENT, AND/OR WERE INTEGRAL PARTICIPANTS TO EXCESSIVE AND UNREASONABLE FORCE AGAINST THE PLAINTIFF ROBERSON, IN VIOLATION OF HIS RIGHTS SECURED BY THE EIGHTH AMENDMENT TO THE U.S. CONSTITUTION, AS INCORPORATED THROUGH THE FOURTEENTH AMENDMENT TO THE U.S. CONSTITUTION. DEFENDANTS CHAVEZ, SALAZER, VALERO, KYT, LIRIO, LOZA, CHARLES, RODRIGUEZ, FURLONG, HUNTER, GONZALEZ, AND ACEBEDO ACTIONS AND INACTIONS WERE MOTIVATED BY EVIL MOTIVE OR INTENT, INVOLVED RECKLESS OR CALLOUS INDIFFERENCE TO PLAINTIFF CONSTITUTIONAL RIGHTS, OR WERE WANTONLY OR OPPRESSIVELY DONE. AS A DIRECT AND PROXIMATE. (CLAIM I CONTINUE ON 3A)

4. Injury. State how you were injured by the actions or inactions of the Defendant(s).

PEPPER SPRAYED, CUTS AND BURSES ON KNEES AND FACE, FRACTURED RIBS, CUTS TO THE BACK AND WRISTS, KNOCKED UNCONSCIOUS, BACK AND NECK, AND HEADACHES AND BACK SOFTNESS, COMPLAINTS.
(CONTINUED ON THE NEXT PAGE AS 3A)

5. Administrative Remedies:

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? Yes No
- b. Did you submit a request for administrative relief on Claim I? Yes No
- c. Did you appeal your request for relief on Claim I to the highest level? Yes No
- d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. OTHERS WERE REJECTED, CANCELLED, OR DISAPPEARED.

GRIEVANCE PROCEDURE IS ILLUSORY AND KAFAKASQUE.

CLAIM 1 CONTINUED:

RESULT OF DEFENDANTS CHAVEZ, SALAZER, VALERO, KYT,
LIRIO, LOZA, CHARLES, RODRIGUEZ, FURLONG, HUNTER, GONZALES,
AND ACEBEDO ACTIONS AND INACTIONS, PLAINTIFF ROBERSON
SUFFERED INJURIES ENTITLING HIM TO RECEIVE COMPENSATORY
AND PUNITIVE DAMAGES AGAINST DEFENDANTS CHAVEZ,
SALAZER, VALERO, KYT, LIRIO, LOZA, CHARLES, RODRIGUEZ,
FURLONG, HUNTER, GONZALES, AND ACEBEDO AND DECLARATORY
AND INJUNCTIVE RELIEF AGAINST DEFENDANT PFIEFFER.

WHEREFORE, PLAINTIFF ROBERSON PRAY FOR RELIEF AS
HEREUNDER APPEARS.

PLAINTIFF REQUEST TO INCORPORATE CORRECTIONAL
P. CRUZ INTO THIS CLAIM.

CLAIM II

1. State the constitutional or other federal civil right that was violated: FIRST, EIGHTH, FOURTEENTH AMENDMENTS TO THE U.S. CONSTITUTION; 42 U.S.C. SECTIONS 1983 AND 1985

2. Claim II. Identify the issue involved. Check only one. State additional issues in separate claims.

<input type="checkbox"/> Basic necessities	<input type="checkbox"/> Mail	<input type="checkbox"/> Access to the court	<input type="checkbox"/> Medical care
<input type="checkbox"/> Disciplinary proceedings	<input type="checkbox"/> Property	<input type="checkbox"/> Exercise of religion	<input type="checkbox"/> Retaliation
<input type="checkbox"/> Excessive force by an officer	<input type="checkbox"/> Threat to safety	<input checked="" type="checkbox"/> Other: <u>CONSPIRACY</u>	

3. Supporting Facts. State as briefly as possible the FACTS supporting Claim II. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

THE SECOND CLAIM IS ASSERTED BY PLAINTIFF ROBERSON AGAINST DEFENDANTS CHAVEZ, SALAZAR, VALERO, KYT, LIRIO, LOZA, CHARLES, RODRIGUEZ, FURLONG, HUNTER, GONZALES, AND ACEBEDO. PLAINTIFF ROBERSON REALLEGES AND INCORPORATE THE ALLEGATIONS OF THE PRECEDING PARAGRAPHS 1 TO 88. TO THE EXTENT RELEVANT, AS IF FULLY SET FORTH IN THIS CLAIM. ON INFORMATION AND BELIEF, EACH OF DEFENDANTS CHAVEZ, SALAZAR, VALERO, KYT, LIRIO, LOZA, CHARLES, RODRIGUEZ, FURLONG, HUNTER, GONZALES, AND ACEBEDO CONSPIRED WITH EACH OTHER TO COMMIT EACH OF THE ACTS ALLEGED HEREIN IN VIOLATION OF THE PLAINTIFF'S RIGHTS SECURED BY THE FIRST AND EIGHTH AMENDMENTS TO THE U.S. CONSTITUTION, AS INCORPORATED THROUGH THE FOURTEENTH AMENDMENT TO THE U.S. CONSTITUTION. DEFENDANTS CHAVEZ, SALAZAR, VALERO, KYT, LIRIO, LOZA, CHARLES, RODRIGUEZ, FURLONG, HUNTER, GONZALES, AND ACEBEDO ACTIONS AND INACTIONS WERE MOTIVATED BY EVIL MOTIVE OR INTENT, INVOLVED RECKLESS OR CALLOUS INDIFFERENCE TO PLAINTIFF ROBERSON CONSTITUTIONAL RIGHTS, OR WERE WANTONLY OR OPPRESSIVELY DONE. AS A DIRECT AND PROXIMATE RESULT OF DEFENDANTS CHAVEZ, SALAZAR, VALERO, KYT, LIRIO, LOZA, CHARLES, RODRIGUEZ, FURLONG, HUNTER, GONZALES, AND ACEBEDO ACTIONS AND INACTIONS, PLAINTIFF ROBERSON SUFFERED INJURIES ENTITLING HIM TO RECEIVE COMPENSATORY AND PUNITIVE

4. Injury. State how you were injured by the actions or inactions of the Defendant(s).
PEPPER SPRAYED, CUTS AND BRUISES ON KNEES AND FACE, FRACTURED RIBS, CUTS TO THE BACK AND WRIST, KNOCKED UNCONSCIOUS, BACK AND NECK PAIN, HEADACHES, BACK SORENESS, AND SHOULDER AND BODY PAIN, (CONTINUED ON NEXT PAGE)

5. Administrative Remedies.

- Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? Yes No
- Did you submit a request for administrative relief on Claim II? Yes No
- Did you appeal your request for relief on Claim II to the highest level? Yes No
- If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. OTHERS WERE REJECTED, CANCELLED, OR DISAPPEARED.

CLAIM 2 CONTINUED:

DAMAGES AGAINST DEFENDANTS CHAVEZ, SALAZER, VELERO,
KYT, LIRIO, LOZA, CHARLES, RODRIGUEZ, FURLONG, HUNTER,
GONZALES, AND ACEBEDO AND DECLARATORY AND INJUNCTIVE
RELIEF AGAINST DEFENDANT PFEIFFER.

WHEREFORE, PLAINTIFF ROBERSON PRAY FOR RELIEF AS
HEREUNDER APPEARS.

PLAINTIFF REQUEST TO INCORPORATE CORRECTIONAL
SUPERVISOR P. CRUZ INTO THIS CLAIM.

"4A"

CLAIM III

1. State the constitutional or other federal civil right that was violated: 42 U.S.C. SECTION 12101, et seq.

2. Claim III. Identify the issue involved. Check only one. State additional issues in separate claims.

<input type="checkbox"/> Basic necessities	<input type="checkbox"/> Mail	<input type="checkbox"/> Access to the court	<input type="checkbox"/> Medical care
<input type="checkbox"/> Disciplinary proceedings	<input type="checkbox"/> Property	<input type="checkbox"/> Exercise of religion	<input type="checkbox"/> Retaliation
<input type="checkbox"/> Excessive force by an officer	<input type="checkbox"/> Threat to safety	<input checked="" type="checkbox"/> Other: <u>AMERICAN WITH DISABILITIES ACT</u>	

3. Supporting Facts. State as briefly as possible the FACTS supporting Claim III. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

THE THIRD CLAIM IS ASSERTED BY PLAINTIFF ROBERSON AGAINST DEFENDANT CDCR. PLAINTIFF ROBERSON REALLEGES AND INCORPORATE THE ALLEGATIONS OF THE PRECEDING PARAGRAPHS 1 TO 8B, TO THE EXTENT RELEVANT, AS IF FULLY SET FORTH IN THIS CLAIM. DEFENDANT CDCR IS A "PUBLIC ENTITY" WITHIN THE MEANING OF 42 U.S.C. SECTION 12131(1)(E) AND 28 C.F.R. SECTION 35.104. PLAINTIFF ROBERSON, AT ALL TIMES MATERIAL HEREIN, HAD A DISABILITY WITHIN THE MEANING OF 42 U.S.C. SECTION 12102(1) AND C.F.R. SECTION 35.104, AND WERE "QUALIFIED INMATE WITH A DISABILITY" WITHIN THE MEANING OF 42 U.S.C. SECTION 12131(2) AND 28 C.F.R. SECTION 35.104, BECAUSE THE PLAINTIFF MET THE ESSENTIAL ELIGIBILITY REQUIREMENTS FOR THE RECEIPT OF SERVICES. AT THE TIME, PLAINTIFF ROBERSON, A 57 YEAR OLD INMATE, "HAD A DPP-DISABILITY ACCOMMODATIONS MEDICAL ORDER" WHICH REQUIRED A "LOWER/BOTTOM BLANK ONLY CRONO." THAT DISABILITY REQUIREMENT HAD BEEN IN PLAINTIFF ROBERSON'S FILE SINCE IT WAS ADDED ON AUGUST 11, 2016. DEFENDANT CHAVES AND SALZER WERE AWARE OF THE PLAINTIFF ROBERSON DPP-MEDICAL ORDER.
(CLAIM 3 CONTINUED ON 5A)

4. Injury. State how you were injured by the actions or inactions of the Defendant(s).

PEPPER SPRAYED, CUTS AND BRUISES ON KNEES AND FACE, FRACTURED RIBS, CUTS TO THE BACK AND WRISTS, KNOCKED UNCONSCIOUS, BACK AND NECK PAIN, HEADACHES, BACK SORENESS, AND SHOULDER AND BODY PAIN,
(CONTINUED ON NEXT PAGE)

Concessions

5. Administrative Remedies.

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? Yes No
- b. Did you submit a request for administrative relief on Claim III? Yes No
- c. Did you appeal your request for relief on Claim III to the highest level? Yes No
- d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. OTHERS WERE REJECTED, CANCELLED, OR DISAPPEARED

If you assert more than three Claims, answer the questions listed above for each additional Claim on a separate page.

CLAIM 3 CONTINUED:

AND EXPRESSED CONTEMPTUOUS DISREGARD FOR IT WHEN THE PLAINTIFF INFORMED DEFENDANTS CHAVEZ AND SALAZER THAT HE HAD A DPP - DISABILITY / ACCOMMODATION MEDICAL - (CRONO) AND DEFENDANTS CHAVEZ AND SALAZER INSISTED THAT THE PLAINTIFF ACCEPT HIS ASSIGNMENT WITHOUT ANY EFFORT OF ACCOMMODATION. DEFENDANTS CHAVEZ, SALAZER, VALERO, KYT, LIRIO, LOZA, CHARLES, RODRIGUEZ, FURLONG, HUNTER, GONZALES, AND ACEBEDO, ACTING OR PURPORTING TO ACT IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES AS LAW ENFORCEMENT OFFICERS, FAILED TO REASONABLY ACCOMMODATE PLAINTIFF ROBERSON DISABILITIES AND PERSONALLY UTILIZED, FAILED TO INTERCEDE AND PREVENT, AND/OR WERE INTEGRAL PARTICIPANTS TO EXCESSIVE AND UNREASONABLE FORCE AGAINST THE PLAINTIFF, IN VIOLATION OF HIS RIGHTS SECURED BY THE AMERICAN WITH DISABILITIES ACT ("ADA"), 42 U.S.C. SECTION 12101, ET SEQ. DEFENDANTS CHAVEZ, SALAZER, VALERO, KYT, LIRIO, LOZA, CHARLES, RODRIGUEZ, FURLONG, HUNTER, GONZALES, AND ACEBEDO ACTIONS AND INACTIONS WERE MOTIVATED BY EVIL MOTIVE OR INTENT, INVOLVED RECKLESS OR CALLOUS INDIFFERENCE TO THE PLAINTIFF ROBERSON CONSTITUTIONAL AND STATUTORY RIGHTS, OR WERE WANTONLY OR OPPRESSIVELY DONE. AS A DIRECT AND PROXIMATE RESULT OF DEFENDANTS CHAVEZ, SALAZER, VALERO, KYT, LIRIO, LOZA, CHARLES, RODRIGUEZ, FURLONG, HUNTER, GONZALES, AND ACEBEDO'S ACTIONS AND INACTIONS, PLAINTIFF ROBERSON SUFFERED INJURIES ENTITLING HIM TO RECEIVE COMPENSATORY AND PUNITIVE DAMAGES AGAINST DEFENDANT CDCR. WHEREFORE, PLAINTIFF ROBERSON PRAYS FOR RELIEF AS HEREUNDER APPEAR.

CLAIM 4

1. State the constitutional or other federal civil right that was violated: CAL. GOV. CODE SECTION
B20(a)

2. **Claim 4** Identify the issue involved. Check **only one**. State additional issues in separate claims.

<input type="checkbox"/> Basic necessities	<input type="checkbox"/> Mail	<input type="checkbox"/> Access to the court	<input type="checkbox"/> Medical care
<input type="checkbox"/> Disciplinary proceedings	<input type="checkbox"/> Property	<input type="checkbox"/> Exercise of religion	<input type="checkbox"/> Retaliation
<input type="checkbox"/> Excessive force by an officer	<input type="checkbox"/> Threat to safety	<input checked="" type="checkbox"/> Other: <u>ASSAULT/BATTERY</u>	

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Claim III. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

THE FOURTH CLAIM IS ASSERTED BY THE PLAINTIFF ROBERSON AGAINST DEFENDANTS CHAVEZ, SALAZER, VALERO, KYT, LIRIO, LOZA, CHARLES, RODRIGUEZ, FURLONG, HUNTER, GONZALES, AND ACEBEDO. PLAINTIFF ROBERSON REALLEGE AND INCORPORATE THE ALLEGATIONS OF THE PRECEDING PARAGRAPHS I TO 60, TO THE EXTENT RELEVANT, AS IF FULLY SET FORTH IN THIS CLAIM.
DEFENDANTS CHAVEZ, SALAZER, VALERO, KYT, LIRIO, LOZA, CHARLES, RODRIGUEZ, FURLONG, HUNTER, GONZALES, AND ACEBEDO, ACTING OR PURPORTING TO ACT IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES AS LAW ENFORCEMENT OFFICERS, INTENTIONALLY AND PERSONALLY TOUCHED OR GAVE SUBSTANTIAL ASSISTANCE OR ENCOURAGEMENT IN TOUCHING OR THREATENED TO TOUCH PLAINTIFF ROBERSON, WITHOUT CONSENT, AND THAT TOUCHING OR THREAT OF TOUCHING CONSTITUTED UNREASONABLE AND EXCESSIVE FORCE. DEFENDANTS CHAVEZ, SALAZER, VALERO, KYT, LIRIO, LOZA, CHARLES, RODRIGUEZ, FURLONG, HUNTER, GONZALES, AND ACEBEDO ACTIONS AND IN ACTIONS CONSTITUTED OPPRESSION, FRAUD, OR MALICE RESULTING IN GREAT HARM TO PLAINTIFF ROBERSON. AS A DIRECT AND PROXIMATE RESULT OF DEFENDANTS CHAVEZ, SALAZER, VALERO, KYT,
(CLAIM 4 CONTINUED ON BA)

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).

PEPPER SPRAYED, CUTS AND BRUISES ON KNEES AND FACE, FRACTURED RIBS, CUTS TO THE BACK AND WRISTS, KNOCKED UNCONSCIOUS, BACK AND NECK PAIN, HEADACHES, BACK SORENESS, SHOULDER AND BODY PAIN, CONSTICTION

5. **Administrative Remedies.**

- Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? Yes No
- Did you submit a request for administrative relief on Claim III? Yes No
- Did you appeal your request for relief on Claim III to the highest level? Yes No
- If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. OTHERS WERE REDUCED, CANCELLED, OR DISAPPEARED.

If you assert more than three Claims, answer the questions listed above for each additional Claim on a separate page.

B "6"

CLAIM 4 CONTINUED:

LIRIO, CHARLES, RODRIGUEZ, FURLONG, HUNTER, GONZALES, AND
ACEBEDO'S ACTIONS AND INACTIONS, PLAINTIFF ROBERSON
SUFFERED INJURIES ENTITLING HIM TO RECEIVE COMPENSATORY
AND PUNITIVE DAMAGES. WHEREFORE, PLAINTIFF ROBERSON
PRAY FOR RELIEF AS HEREUNDER APPEARS.

" 6A "

5

CLAIM 5

1. State the constitutional or other federal civil right that was violated: CAL. GOV. CODE SECTION 820(a).

5

2. Claim 5. Identify the issue involved. Check only one. State additional issues in separate claims.

<input type="checkbox"/> Basic necessities	<input type="checkbox"/> Mail	<input type="checkbox"/> Access to the court	<input type="checkbox"/> Medical care
<input type="checkbox"/> Disciplinary proceedings	<input type="checkbox"/> Property	<input type="checkbox"/> Exercise of religion	<input type="checkbox"/> Retaliation
<input type="checkbox"/> Excessive force by an officer	<input type="checkbox"/> Threat to safety	<input checked="" type="checkbox"/> Other: <u>INTENTIONAL INFILCTION OF EMOTIONAL DISTRESS.</u>	

3. Supporting Facts. State as briefly as possible the FACTS supporting Claim III. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

THE FIFTH CLAIM IS ASSERTED BY PLAINTIFF ROBERSON AGAINST DEFENDANTS CHAVEZ, SALAZER, VALERO, KYT, LIRIO, CHARLES, RODRIGUEZ, FURLONG, HUNTER, GONZALES, AND ACEBEDO. PLAINTIFF ROBERSON REALLEGE AND INCORPORATE THE ALLEGATIONS OF THE PRECEDING PARAGRAPHS I TO 68, TO THE EXTENT RELEVANT, AS IF FULLY SET FORTH IN THIS CLAIM. DEFENDANTS CHAVEZ, SALAZER, VALERO, KYT, LIRIO, LOZA, CHARLES, RODRIGUEZ, FURLONG, HUNTER, GONZALES, AND ACEBEDO, ACTING OR PURPORTING TO ACT IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES AS LAW ENFORCEMENT OFFICERS, ENGAGED IN OUTRAGEOUS CONDUCT, PLAINTIFF ROBERSON DID SUFFER SEVERE EMOTIONAL DISTRESS. DEFENDANTS CHAVEZ, SALAZER, VALERO, KYT, LIRIO, LOZA, CHARLES, RODRIGUEZ, FURLONG, HUNTER, GONZALES, AND ACEBEDO'S ACTIONS AND INACTIONS CONSTITUTED OPPRESSION, FRAUD, OR MALICE RESULTING IN GREAT HARM TO PLAINTIFF ROBERSON. AS A DIRECT AND PROXIMATE RESULT OF DEFENDANTS CHAVEZ, SALAZER, VALERO, KYT, LIRIO, CHARLES, RODRIGUEZ, FURLONG, HUNTER, GONZALES, AND ACEBEDO'S ACTIONS AND INACTIONS, PLAINTIFF ROBERSON SUFFERED INJURIES ENTITLING HIM TO RECEIVE COMPENSATORY AND PUNITIVE DAMAGES. WHEREFORE, PLAINTIFF ROBERSON PRAY FOR RELIEF AS HEREUNDER APPEARS.

4. Injury. State how you were injured by the actions or inactions of the Defendant(s).

PEPPER SPRAYED, CUTS AND BRUISES ON KNEES AND FACE, FRACTURED RIBS, CUTS TO THE BACK AND WRISTS, KNOCKED UNCONSCIOUS, BACK AND NECK PAIN, HEADACHES, SHOULDER AND BODY PAIN, POSSIBLE CONCUSSION.

5. Administrative Remedies.

- Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? Yes No
- Did you submit a request for administrative relief on Claim 5? Yes No
- Did you appeal your request for relief on Claim 5 to the highest level? Yes No
- If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. OTHERS WERE REJECTED, CANCELLED, OR DISAPPROVED.

If you assert more than three Claims, answer the questions listed above for each additional Claim on a separate page.

8 "y"

CLAIM ⁶

1. State the constitutional or other federal civil right that was violated: FIRST AND FOURTEENTH AMENDMENTS TO THE U.S. CONSTITUTION; 42 U.S.C. SECTION 1983.

2. Claim II. Identify the issue involved. Check only one. State additional issues in separate claims.

<input type="checkbox"/> Basic necessities	<input type="checkbox"/> Mail	<input type="checkbox"/> Access to the court	<input type="checkbox"/> Medical care
<input type="checkbox"/> Disciplinary proceedings	<input type="checkbox"/> Property	<input type="checkbox"/> Exercise of religion	<input checked="" type="checkbox"/> Retaliation
<input type="checkbox"/> Excessive force by an officer	<input type="checkbox"/> Threat to safety	<input type="checkbox"/> Other: _____	

3. Supporting Facts. State as briefly as possible the FACTS supporting Claim II. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

THE SIXTH CLAIM IS ASSERTED BY PLAINTIFF ROBERSON AGAINST DEFENDANTS CHAVEZ, SALAZER, VALERO, KYT, LIRIO, LOZA, CHARLES, RODRIGUEZ, FURLONG, HUNTER, GONZALEZ, AND ACEBEDO. PLAINTIFF ROBERSON REALLEGES AND INCORPORATE THE ALLEGATIONS OF THE PRECEDING PARAGRAPH I TO BB, TO THE EXTENT RELEVANT, AS IF FULLY SET FORTH IN THIS CLAIM. DEFENDANTS CHAVEZ, SALAZER, VALERO, KYT, LIRIO, LOZA, CHARLES, RODRIGUEZ, FURLONG, HUNTER, GONZALEZ, AND ACEBEDO, ACTING OR PURPORTING TO ACT IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES AS LAW ENFORCEMENT OFFICERS, PERSONALLY UTILIZED, FAILED TO INTERCEDE AND PREVENT, WERE INTEGRAL PARTICIPANTS TO, AND/OR ATTEMPTED TO SUPPRESS COMPLAINTS OF EXCESSIVE AND UNREASONABLE FORCE AGAINST PLAINTIFF ROBERSON DUE TO PRIOR EXCESSIVE FORCE BY MOST IF NOT ALL OF THE SAME CURRUPTED OFFICERS ON MARCH 5, 2019, 5 MONTHS EARLIER, AND FAILED TO ACCOMMODATE THE PLAINTIFF DPP-CRONO - DISABILITIES/ACCOMMODATION MEDICAL ORDER WHICH REQUIRED: "LOWER/BOTTOM BUNK ONLY!" DEFENDANTS CHAVEZ, SALAZER, VALERO, KYT, LIRIO, LOZA, CHARLES, RODRIGUEZ, FURLONG, HUNTER, GONZALEZ, AND ACEBEDO ACTIONS AND INACTIVITIES WERE MOTIVATED BY EVIL MOTIVE OR INTENT.

4. Injury. State how you were injured by the actions or inactions of the Defendant(s).

PEPPER SPRAYED, CUTS AND BRUISES ON KNEES AND FACE, FRACTURED RIBS, CUTS TO THE BACK AND WRISTS, KNOCKED UNCONSCIOUS, BACK AND NECK PAIN, HEADACHES, SHOULDER AND BODY PAIN, AND POSSIBLE CONCUSSION.

5. Administrative Remedies.

- Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? Yes No
- Did you submit a request for administrative relief on Claim 6? Yes No
- Did you appeal your request for relief on Claim 6 to the highest level? Yes No
- If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. OTHERS WERE REJECTED, CANCELLED, OR DISAPPEARED.

1
2 CLAIM 6 CONTINUED:

3 INVOLVED RECKLESS OR CALLOUS INDIFFERENCE TO PLAINTIFF ROBERSON
4 CONSTITUTIONAL RIGHTS, OR WERE WANTONLY OR OPPRESSIVELY DONE.
5 AS A DIRECT AND PROXIMATE RESULT OF DEFENDANTS CHAVEZ,
6 SALAZER, VALERO, KYT, LIRIO, LOSA, CHARLES, RODRIGUEZ,
7 FURLONG, HUNTER, GONZALEZ; AND ACEBEDO ACTIONS AND
8 INACTIONS, PLAINTIFF ROBERSON SUFFERED INJURIES ENTITLING
9 HIM TO RECEIVE COMPENSATORY AND PUNITIVE DAMAGES.

10 WHEREFORE, PLAINTIFF ROBERSON PRAY FOR RELIEF AS
11 HEREUNDER APPEARS.

12 PLAINTIFF REQUEST TO INCORPORATE CORRECTIONAL
13 SUPERVISOR E. CRUZ INTO THIS CLAIM.

D. CAUSE OF ACTION

CLAIM # 7

1. State the constitutional or other federal civil right that was violated: 28 U.S.C. SECTION 2201(a) DECLARATORY JUDGMENT ACT.

2. Claim #7 Identify the issue involved. Check only one. State additional issues in separate claims.

<input type="checkbox"/> Basic necessities	<input type="checkbox"/> Mail	<input type="checkbox"/> Access to the court	<input type="checkbox"/> Medical care
<input type="checkbox"/> Disciplinary proceedings	<input type="checkbox"/> Property	<input type="checkbox"/> Exercise of religion	<input type="checkbox"/> Retaliation
<input type="checkbox"/> Excessive force by an officer	<input type="checkbox"/> Threat to safety	<input checked="" type="checkbox"/> Other: <u>DECLARATORY JUDGMENT ACT</u>	

3. Supporting Facts. State as briefly as possible the FACTS supporting Claim I. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

THE SEVENTH CLAIM IS ASSERTED BY PLAINTIFF ROBERSON AGAINST DEFENDANT PFIEFFER. PLAINTIFF ROBERSON REALLEGES AND INCORPORATE THE ALLEGATIONS OF THE PRECEDING PARAGRAPHS I TO BE, TO THE EXTENT RELEVANT, AS IF FULLY SET FORTH IN THIS CLAIM. THERE PRESENTLY EXISTS AN ACTUAL CONTROVERSY BETWEEN THE PARTIES REGARDING THE EXISTENCE AND PERMITTED OPERATION OF THE CURRUPTED OFFICERS (GREEN WALL) AT THE KVSP. PLAINTIFF ROBERSON ARE INFORMED AND BELIEVE, AND THEREUPON ALLEGE, THAT THE CURRUPTED OFFICERS (GREEN WALL'S) ILLEGAL CRIMINAL ORGANIZATION WILL CONTINUE TO TERRORIZE THE PRISONERS AT THE KVSP AND CAUSE FURTHER DAMAGE AND POSSIBLE DEATH TO INMATES AT THE PRISON, UNLESS DEFENDANT PFIEFFER IS DIRECTED AND MANDATED TO TAKE ACTION AGAINST THE CURRUPTED OFFICERS (GREEN WALL) AND MEMBERS THEREOF. THIS CONTROVERSY REQUIRES A DECLARATION FROM THIS COURT AS TO THE RIGHTS OF THE RESPECTIVE PARTIES, AND THE LAWFULNESS OF DEFENDANT PFIEFFER'S ACTIONS AND INACTIONS. AS A DIRECT AND PROXIMATE RESULT OF DEFENDANT PFIEFFER'S ACTIONS AND INACTIONS, PLAINTIFF ROBERSON SUFFERED AND LIKELY WILL CONTINUE TO SUFFER.

4. Injury. State how you were injured by the actions or inactions of the Defendant(s).

REPEL SPRAYED, CUTS AND BRUISES ON KNEES AND FACE, FRACTURED RIBS, CUTS TO THE BACK AND WRISTS, KNOCKED UNCONSCIOUS, BACK AND NECK PAIN, HEADACHES, SHOULDER AND BODY PAIN, AND POSSIBLE CONCUSSION.

5. Administrative Remedies:

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? Yes No
- b. Did you submit a request for administrative relief on Claim #7? Yes No
- c. Did you appeal your request for relief on Claim #7 to the highest level? Yes No
- d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. OTHERS WERE REJECTED, CANCELLED, OR DISAPPEARED

CLAIM 7 CONTINUED:

1 INJURIES ENTITLING HIM TO RECEIVE DECLARATORY AND INJUNCTIVE
2 RELIEF AGAINST DEFENDANT BELEFFER.

3 WHEREFORE, PLAINTIFF ROBERSON PRAY FOR RELIEF AS
4 HEREUNDER APPEARS.

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CLAIM II

1. State the constitutional or other federal civil right that was violated: CAL. GOV. CODE SECTION 820(a).

2. **Claim II**: Identify the issue involved. Check **only one**. State additional issues in separate claims.

<input type="checkbox"/> Basic necessities	<input type="checkbox"/> Mail	<input type="checkbox"/> Access to the court	<input type="checkbox"/> Medical care
<input type="checkbox"/> Disciplinary proceedings	<input type="checkbox"/> Property	<input type="checkbox"/> Exercise of religion	<input type="checkbox"/> Retaliation
<input type="checkbox"/> Excessive force by an officer	<input type="checkbox"/> Threat to safety	<input checked="" type="checkbox"/> Other: <u>NEGLIGENCE</u>	

3. **Supporting Facts**. State as briefly as possible the FACTS supporting Claim II. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

THE EIGHT CLAIM IS ASSERTED BY PLAINTIFF ROBERSON AGAINST DEFENDANTS CHAVEZ, SALAZER, VALERO, KYT, LIRIO, CHARLES, LOZA, RODRIGUEZ, FURLONG, HUNTER, GONZALES, ACEBEDO, AND CRUZ. PLAINTIFF ROBERSON REALLEGES AND INCORPORATE THE ALLEGATIONS OF THE PRECEDING PARAGRAPHS I TO B, TO THE EXTENT RELEVANT, AS IF FULLY SET FORTH IN THIS CLAIM. DEFENDANTS CHAVEZ, SALAZER, VALERO, KYT, LIRIO, CHARLES, LOZA, RODRIGUEZ, FURLONG, HUNTER, GONZALES, ACEBEDO, AND CRUZ, ACTING OR PURPORTING TO ACT IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES AS LAW ENFORCEMENT OFFICERS, OWED PLAINTIFF ROBERSON A DUTY OF CARE AND BREACHED THAT DUTY. DEFENDANTS CHAVEZ, SALAZER, VALERO, KYT, LIRIO, CHARLES, LOZA, RODRIGUEZ, FURLONG, HUNTER, GONZALES, ACEBEDO, AND CRUZ ACTIONS AND INACTIONS CONSTITUTED OPPRESSION, FRAUD, OR MALICE RESULTING IN GREAT HARM TO PLAINTIFF ROBERSON. AS A DIRECT AND PROXIMATE RESULT OF DEFENDANTS CHAVEZ, SALAZER, VALERO, KYT, LIRIO, CHARLES, LOZA, RODRIGUEZ, FURLONG, HUNTER, GONZALES, ACEBEDO, AND CRUZ ACTIONS AND INACTIONS, PLAINTIFF ROBERSON SUFFERED INJURIES ENTITLING HIM TO RECEIVE COMPENSATORY AND PUNITIVE DAMAGES. WHEREFORE, PLAINTIFF

4. **Injury**. State how you were injured by the actions or inactions of the Defendant(s).

PEPPER SPRAYED, CUTS AND BRUISES ON KNEES AND FACE, FRACTURED RIBS, CUTS TO THE BACK AND LEGS, KNOCKED UNCONSCIOUS, BACK AND NECK PAIN, HEADACHES, SHOULDER AND BODY PAIN, AND POSSIBLE CONCUSSION.

5. **Administrative Remedies**.

- Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? Yes No
- Did you submit a request for administrative relief on Claim **II**? Yes No
- Did you appeal your request for relief on Claim **II** to the highest level? Yes No
- If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. OTHERS WERE REJECTED, CANCELLED, OR DISAPPEARED

1 CLAIM 8 CONTINUED:

2 ROBERTSON PRAY FOR RELIEF AS HEREUNDER APPEARS.

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10-A

E. REQUEST FOR RELIEF

State the relief you are seeking:

PLAINTIFF SEEKS A JURY TRIAL.

THAT THE COURT: (1) DECLARE THAT THE ACTS OR OMISSIONS DESCRIBED HEREIN VIOLATED PLAINTIFF'S CONSTITUTIONAL RIGHTS.
(2) ENTER A JUDGEMENT IN FAVOR OF PLAINTIFF FOR COMPENSATORY AND PUNITIVE DAMAGES, JOINTLY AND SEVERALLY.
COURT TO ORDER ANY ADDITIONAL RELIEF AS THIS COURT DEEMS NECESSARY

I declare under penalty of perjury that the foregoing is true and correct,

Executed on 7/2/22
DATE

Morris Roberson
SIGNATURE OF PLAINTIFF

✓
(Name and title of paralegal, legal assistant, or other person who helped prepare this complaint)

✓
(Signature of attorney, if any)

(Attorney's address & telephone number)

ADDITIONAL PAGES

All questions must be answered concisely in the proper space on the form. If you need more space you may attach more pages, but you are strongly encouraged to limit your complaint to twenty-five pages. If you attach additional pages, be sure to identify which section of the complaint is being continued and number all pages. Remember, there is no need to attach exhibits to your complaint.

1 MORRIS ROBERSON#UB3614
2 KERN VALLEY STATE PRISON
3 P. O. BOX 5103
4 DELANO, CALIFORNIA 93216

5 IN PRO SE
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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

11 MORRIS ROBERSON,
12 PLAINTIFF,

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14 V.
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17 CALIFORNIA DEPARTMENT
18 OF CORRECTION AND
19 REHABILITATION, ET AL.,
20 DEFENDANTS

CASE NO.: _____
CIVIL RIGHTS COMPLAINT
DEMAND FOR JURY TRIAL
42 U.S.C. § 1983

THE ABOVE LISTED
DEFENDANTS ARE
SUED IN THEIR
INDIVIDUAL AND
OFFICIAL CAPACITIES

DEFENDANTS.

I

JURISDICTION

1. THIS IS A CIVIL ACTION AUTHORIZED BY 42 U.S.C. § 1983. THIS COURT HAS JURISDICTION OVER PLAINTIFF'S FEDERAL CLAIM PURSUANT TO 28 U.S.C. § 1331 AND § 1333(a)(3); 42 U.S.C. § 1985.

II

VENUE

2. THE UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF CALIFORNIA IS AN APPROPRIATE VENUE PURSUANT TO 28 U.S.C. § 1331(b)(2) BECAUSE THE DEFENDANT ARE LOCATED IN THE EASTERN DISTRICT OF CALIFORNIA AND BECAUSE MANY OF THE ACTS AND/OR OMISSIONS DESCRIBED HEREIN OCCURRED IN THE EASTERN DISTRICT OF CALIFORNIA.

III

PARTIES

3. PLAINTIFF MORRIS ROBERSON ("ROBERSON"), CDCR NO. C83614, IS A PRISONER RESIDING AT THE CALIFORNIA STATE PRISON, KERN VALLEY STATE PRISON, LOCATED IN DELAND, CALIFORNIA. PLAINTIFF ROBERSON WAS, AT ALL MATERIAL TIMES HEREIN, A PRISONER RESIDING AT THE KERN VALLEY STATE PRISON, LOCATED IN DELAND, CALIFORNIA.

4. DEFENDANT CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION ("CDCR") IS CHARGED WITH THE CARE AND CUSTODY OF THE PLAINTIFF PURSUANT TO PENAL CODES § 5054 AND § 5058. DEFENDANT CDCR MAINTAINS AND OPERATES THE KERN VALLEY STATE PRISON.

5. DEFENDANT C. PFEIFFER ("PFEIFFER") IS, AND AT ALL MATERIAL TIMES HEREIN WAS A LAW ENFORCEMENT OFFICER EMPLOYED BY CALIFORNIA DEPARTMENT OF CORRECTION AND REHABILITATION AND THE WARDEN OF THE KERN VALLEY STATE PRISON, ACTING WITHIN THE SCOPE OF THAT AGENCY OR EMPLOYMENT AND UNDER COLOR OF STATE LAW. DEFENDANT C. PFEIFFER IS NAMED IN HIS OFFICIAL CAPACITY.

6. DEFENDANTS CHAVEZ, SALAZAR, VALERO, KYT, LIRIO, LOZA, CHARLES, RODRIGUEZ, FURLONG, HUNTER, GONZALEZ, ACEBEDO, WERE AT ALL MATERIAL TIMES HEREIN, LAW ENFORCEMENT OFFICERS EMPLOYED BY CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION, ACTING WITHIN THE SCOPE OF THAT AGENCY OR EMPLOYMENT AND UNDER COLOR OF STATE LAW. DEFENDANTS CHAVEZ, SALAZAR, VALERO, KYT, LIRIO, LOZA, CHARLES, RODRIGUEZ, FURLONG, HUNTER, GONZALEZ, AND ACEBEDO ARE NAMED

IN THEIR INDIVIDUAL CAPACITY.

GENERAL ALLEGATIONS

7. AT ALL TIMES RELEVANT HEREIN, ALL WRONGFUL ACTS DESCRIBED WERE PERFORMED UNDER COLOR OF STATE LAW AND/OR IN CONCERT WITH OR ON BEHALF OF THOSE ACTING UNDER THE COLOR OF STATE LAW.

THE KERN VALLEY STATE PRISON
AND THE GREEN WALL CULTURE

8. THE KERN VALLEY STATE PRISON ("KVSP") IS A CORRECTIONAL INSTITUTION DESIGNATED BY DEFENDANT CDCR FOR HOUSING PURSUANT TO PENAL CODES § 5054 AND § 5058.

9. THE KVSP IS, AND AT ALL MATERIAL TIMES HEREIN WAS, OPERATED UNDER THE SUPERVISION OF ITS WARDEN, DEFENDANT PFEIFFER.

10. ON INFORMATION AND BELIEF, DEFENDANT PFEIFFER ACCEPTS OR ACQUIESCES IN PERVERSIVE CULTURE OF VIOLENCE AGAINST PRISONERS AT KVSP. PARTICULARLY, THERE EXISTS A FACTION OF CDCR "CORRUPTED OFFICERS". ON INFORMATION AND BELIEF, THE CORRUPTED OFFICERS IS ESSENTIALLY A MAFIA - LIKE PRISON GANG OF CORRECTIONAL OFFICERS THAT ENGAGES IN UNLAWFUL ACTIVITIES, INCLUDING STAFF - ON - PRISONER VIOLENCE, COORDINATION OF PRISONER - ON - PRISONER VIOLENCE, SMUGGLING ILLEGAL CONTRABAND/ITEMS INTO CDCR

1 FACILITIES SUCH AS ILLEGAL DRUGS AND CELL
2 PHONES WHICH ARE SOLD TO PRISONERS FOR CASH
3 OR TRADED FOR FAVORS, AND THE PLANTING OF
4 ILLEGAL CONTRABAND/ITEMS ON PRISONERS (AND
5 FALSE REPORTING THEREOF.).

6 II. ON INFORMATION AND BELIEF, SEVERAL OF
7 CORRUPT OFFICERS ARE PRESENTLY EMPLOYED
8 WITHIN THE KVSP. ON INFORMATION AND BELIEF,
9 DEFENDANT PFEIFFER IS AND HAS BEEN AWARE
10 OF THE ILLEGAL ACTIVITIES OF THE CORRUPT OFFICERS
11 AT KVSP BUT FAILED AND REFUSED TO TAKE ACTION
12 AGAINST THEM BY DISCIPLINING AND/OR TERMINATING
13 THEM AND/OR SEEKING PROSECUTION OF THEM FOR
14 CRIMINAL ACTS, "INCLUDING THE ACTS ALLEGED TO HAVE
15 BEEN COMMITTED AGAINST PLAINTIFF ROBERTSON HEREIN."
16 ON INFORMATION AND BELIEF, PRIOR TO THE INCIDENTS
17 DESCRIBED HEREIN, DEFENDANT PFEIFFER REVIEWED
18 OR WAS AWARE OF NUMEROUS INMATE GRIEVANCES,
19 LEARNED OF ONGOING VIOLATIONS OF INMATES RIGHTS BY
20 HIS SUBORDINATES, AND FAILED TO TAKE CORRECTIVE
21 ACTION, THEREBY ALLOWING THOSE VIOLATIONS TO CONTINUE.

22 12. ON INFORMATION AND BELIEF, EACH OF DEFENDANTS
23 CHAVEZ, SALAZER, VALERO, KYT, LIRIO, LOZA, CHARLES,
24 RODRIGUEZ, FURLONG, HUNTER, GONZALEZ, ACEBEDO,
25 IS OR AT ALL MATERIAL TIMES HEREIN WAS A CORRUPTED
OFFICERS.

26 13. ON INFORMATION AND BELIEF, THE CORRUPTED
OFFICERS SOMETIMES ACT WITH RACIAL ANIMUS,

PARTICULARLY TOWARDS BLACKS AND AFRICAN-AMERICAN INMATES. PLAINTIFF ROBERSON IS A BLACK MAN. ON INFORMATION AND BELIEF, OF DEFENDANTS CHAVEZ, SALAZER, VALERO, KVT, URIO, LOZA, CHARLES, RODRIGUEZ, FURLONG, HUNTER, GONZALEZ, ACEBEDO ACTIONS AND INACTIONS DESCRIBED HEREIN AGAINST PLAINTIFF ROBERSON WERE MOTIVATED, AT LEAST IN PART, BY RACIAL ANIMUS.

THE AUGUST 16, 2019,
INCIDENT

14. ON AUGUST 16, 2019, PLAINTIFF ROBERSON
WERE A PRISONER AT THE KVSP.

15. AROUND 8:00AM, THE PLAINTIFF WERE BEING
MOVED FROM ADMINISTRATIVE SEGREGATION UNIT
(ASU) TO FACILITY C-BUILDING - FIVE (FCB5).

16. WHEN THE PLAINTIFF ARRIVED AND ENTERED
THE BUILDING, PLAINTIFF WAS APPROACHED
BY THE FLOOR OFFICERS DEFENDANTS CHAVEZ
AND SALAZER.

17. DEFENDANT CHAVEZ INFORMED PLAINTIFF
THAT HE WOULD BE ASSIGNED TO SECTION
C - CELL 229 LOWER BUNK.

18. WHEN PLAINTIFF ARRIVED TO C-SECTION
CELL 229, THE "LOWER-BUNK" WAS BEING
OCCUPIED BY ANOTHER INMATE.

19. PLAINTIFF INFORMED THE INMATE THAT "HE
HAD A LOWER-BUNK - CRONO".

20. THE INMATE REPLIED, "I DONT CARE, I WAS IN
THE CELL FIRST."

21. PLAINTIFF THEN CAME DOWN THE STAIRS TO INFORM
DEFENDANTS CHAVEZ AND SALAZER THAT THE PLAINTIFF
HAS "A MEDICALLY ASSIGNED • LOSER • BUNK • CRONO".

22. IN RESPONSE, DEFENDANT CHAVEZ STATED, "I
DON'T CARE WHAT YOU HAVE, YOU'RE GOING INTO THAT
CELL, AND I DON'T CARE IF YOU GOT TO SLEEP ON
THE FLOOR".

23. PLAINTIFF STATED: "I DON'T WANT ANY PROBLEMS
OR CONFRONTATION."

24. PLAINTIFF THEN SAT DOWN AT THE DAY ROOM
TABLE AND REQUESTED TO SEE A SERGEANT.

25. AS THE PLAINTIFF SAT AT THE DAY ROOM
TABLE, NOT RESISTING. WITHOUT PROVOCATION,
DEFENDANT CHAVEZ STARTED SPRAYING PLAINTIFF
IN THE FACE WITH PEPPER SPRAY UNTIL HE
EMPTIED HIS CANISTER.

26. DEFENDANT CHAVEZ THEN PICKED THE PLAINTIFF
UP FROM THE TABLE AND SLAMMED HIM TO THE
CONCRETE FLOOR FACE AND HEAD FIRST.

27. DEFENDANT CHAVEZ THEN PUT HIS FOOT/BOOT
ON THE PLAINTIFF BACK WHERE THE PLAINTIFF
COULD NOT MOVE OR BREATH AND TOLD DEFENDANT
SALAZER TO PEPPER SPRAY THE PLAINTIFF.

28. WHILE THE PLAINTIFF WAS LYING ON HIS
STOMACH WITH DEFENDANT CHAVEZ FOOT/BOOT ON
THE PLAINTIFF BACK ALREADY SUBDUED.

29. DEFENDANT SALAZER STARTED PEPPER-SPRAYING THE PLAINTIFF IN HIS MOUTH, NOSE, AND EYES.
30. PLAINTIFF YELLED OUT, "I CAN'T BREATHE AND ATTEMPTED TO AVOID DEFENDANT SALAZER PEPPER-SPRAY.
31. DEFENDANT CHAVEZ REMOVED HIS FOOT FROM THE PLAINTIFF BACK AND PRESSED HIS FOOT ON THE PLAINTIFF NECK TO HOLD HIS HEAD STILL SO DEFENDANT SALAZER COULD SPRAY-PEPPER-SPRAY IN THE PLAINTIFF MOUTH, NOSE, AND EYES UNTIL THE CANISTER WAS EMPTY.
32. PLAINTIFF PLEADED WITH DEFENDANT CHAVEZ TO TAKE HIS FOOT OFF PLAINTIFF NECK, AFTER WHAT SEEMED LIKE SEVERAL MINUTES DEFENDANT CHAVEZ FINALLY DID.
33. DEFENDANT CHAVEZ THEN HANDCUFFED THE PLAINTIFF BEHIND HIS BACK AND THEN ACTIVATED HIS PERSONAL ALARM DEVICE (P.A.D.).
34. DEFENDANT VALERO WAS THE FACILITY-C-BUILDING 5 CONTROL OFFICER AND FAILED TO ACTIVATE HIS PERSONAL ALARM DEVICE (P.A.D.).
35. DEFENDANT VALERO FAILED TO INTERVENE AND FILED A FALSE REPORT OF THE INCIDENT.
36. IN RESPONSE TO THE ALARM, SEVERAL CDCR OFFICERS RUSHED INTO THE BUILDING-5 AREA.
37. DEFENDANTS CHAVEZ AND SALAZER LEFT THE PLAINTIFF AND WENT AND "Huddled Up" IN THE

RETUNDA IN WHAT APPEARED TO BE A PRIVATE MEETING OUTSIDE OF THE PRESENCE OF THE PLAINTIFF AND PRISONERS ON INFORMATION AND BELIEF, THE OFFICERS PLANNED AND COORDINATED HOW THEY WOULD ATTACK THE PLAINTIFF.

38. THE OFFICERS THEN RE-ENTERED THE C-SECTION AREA FOLLOWING THEIR MEETING IN THE RETUNDA.

39. DEFENDANTS KYT AND LIRIO PICKED THE PLAINTIFF OFF THE CONCRETE FLOOR AND PROCEEDED TO ESCORT THE PLAINTIFF OUT OF BUILDING - 5.

40. AS SOON AS DEFENDANTS KYT AND LIRIO ESCORTED THE PLAINTIFF OUT OF VIEW OF OTHER INMATES.

41. DEFENDANT KYT YELLED OUT, "HE SEIT ON ME" DEFENDANTS KYT AND LIRIO, UNPROVOKED, STARTED PUNCHING THE PLAINTIFF IN THE HEAD, FACE, TORSO AREA.

42. DEFENDANT LIRIO LIFTED THE PLAINTIFF OFF THE GROUND AND VIOLENTLY SLAMMED HIM TO THE GROUND WHILE THE PLAINTIFF WAS STILL HAND-CUFFED BEHIND HIS BACK.

43. DEFENDANTS KYT AND LIRIO BEGAN KICKING THE PLAINTIFF ALL OVER HIS BODY, HEAD, AND FACE AS THE PLAINTIFF WAS DEFENSELESS, HAND-CUFFED, AND LYING ON THE GROUND.

44. DEFENDANTS RODRIGUEZ, CHARLES, AND FURLONG WAS PRESENT AND FAIL TO INTERVENE.

45. DEFENDANTS CHARLES AND RODRIGUEZ, CHARLES IS A SERGEANT AND CDCR SUPERVISORY EMPLOYEE, AND RODRIGUEZ IS A LIEUTENANT AND CDCR SUPERVISORY

EMPLOYEE AND DID NOTHING TO STOP THE BEATING.

46. AFTER WHAT SEEM LIKE AN ETERNITY OF GETTING BEAT, DEFENDANT SERGEANT CHARLES SAID, "OK THAT'S ENOUGH PUT THIS MASK OVER HIS HEAD AND ESCORT HIM TO THE PATIO."

47. DEFENDANTS RODRIGUEZ AND FURLONG WENT INTO THE GYM FROM THE "UPPER YARD".

48. WHEN THE PLAINTIFF ARRIVED ON THE PATIO, DEFENDANT CHARLES ALLOWED PLAINTIFF TO PUT WATER IN HIS EYES.

49. AFTER PLAINTIFF PUT WATER IN HIS EYES LIKE, PLAINTIFF LOOKED BACK AT THE "LOWER YARD" AND SAW DEFENDANTS RODRIGUEZ AND FURLONG WALKING TOWARD THE PATIO FAST.

50. DEFENDANTS RODRIGUEZ AND FURLONG CAME ON TO THE PATIO AND STOPPED TO TALK TO DEFENDANTS CHARLES, LIRIO, HUNTER, LOZA, GONZALEZ, AND CHAVEZ.

51. WHEN DEFENDANTS RODRIGUEZ, FURLONG, CHARLES, LIRIO, HUNTER, LOZA, GONZALEZ, AND CHAVEZ WERE DONE TALKING,

52. DEFENDANT CHARLES ASKED THE PLAINTIFF WAS HE DONE.

53. PLAINTIFF SAID, "YES."

54. DEFENDANT FURLONG GRABBED THE PLAINTIFF BY HIS RIGHT ARM AND ESCORTED THE PLAINTIFF TO THE PROGRAM OFFICE WITH ALL OTHER DEFENDANTS RODRIGUEZ, CHARLES, LIRIO, HUNTER, LOZA, AND

GONZALES FOLLOWING US.

55. WHEN THE PLAINTIFF ENTERED THE PROGRAM OFFICE, DEFENDANT FURLONG TOLD ALL THE OTHER OFFICERS, "I GOT HIM NOW."

56. DEFENDANT FURLONG BEGAN TO PUNCH PLAINTIFF IN THE BACK OF HIS HEAD.

57. THEN DEFENDANT FURLONG GRABBED THE PLAINTIFF BY HIS RIGHT ARM WITH ONE HAND AND THE OTHER HAND AROUND THE PLAINTIFF NECK.

58. DEFENDANT FURLONG SLAMMED THE PLAINTIFF INTO THE WALL, STILL WHILE HAND-CUFFED.

59. DEFENDANT FURLONG SLAMMED THE PLAINTIFF INTO THE WALL AGAIN SO HARD, IT BROUGHT CAPTAIN ACEBEDO OUT OF HIS OFFICE.

60. THEN DEFENDANT FURLONG SLAMMED THE PLAINTIFF INTO A STEEL WINDOW FRAME/SILL WHICH KNOCKED THE PLAINTIFF UNCONSCIOUS.

61. PLAINTIFF AWOKE LYING ON THE FLOOR ON HIS BACK WITH THE STEEL HAND-CUFFS DIGGING INTO HIS WRISTS AND BACK, CAUSING A GREAT DEAL OF PAIN.

62. DEFENDANT ACEBEDO IS A CAPTAIN AND CO-OP SUPERVISORY EMPLOYEE, DID NOTHING TO STOP THIS ASSAULT.

63. DEFENDANT FURLONG THEN PICKED THE PLAINTIFF OFF THE FLOOR AND ESCORTED HIM TO THE HOLDING CAGE.

64. DEFENDANTS RODRIGUEZ, CHARLES, LERIO, HUNTER, LOZA, AND GONZALEZ ALL FAILED TO STOP THE ASSAULT.

65. WHILE THE PLAINTIFF WAS IN THE HOLDING CAGE DEFENDANTS HUNTER AND GONZALES WALKED IN AND BEFORE

1 THEY COULD SAY ANYTHING TO THE PLAINTIFF.

2 66. DEFENDANT LOZA WALKED INTO THE ROOM AND MADE
3 A WAVING MOTION WITH HIS HAND AS IF HE WERE SAYING NO
4 DON'T TAKE ANY PHOTOS COME HERE GUYS.

5 67. DEFENDANT HUNTER LOOKED AT LOZA AND SAID, "WE
6 GOT THIS." AS IF HE WERE SAYING TO LOZA THAT WE KNOW
7 PLAN.

8 68. DEFENDANT LOZA GAVE HUNTER LOOK THAT MADE
9 HUNTER REPEAT HIMSELF IN A LOUDER TONE, "WE GOT THIS."

10 69. THEN DEFENDANTS HUNTER, GONZALES, AND LOZA WALKED
11 OUT OF THE ROOM.

12 70. DEFENDANTS HUNTER AND GONZALES RETURNED TO THE
13 ROOM AND INSTRUCTED THE PLAINTIFF TO TURN AROUND AND
14 FACE THE BACK OF THE HOLDING CELL.

15 71. PLAINTIFF COMPLIED BY FACING THE BACK OF THE HOLDING
16 CELL.

17 72. A FEW SECONDS LATER PLAINTIFF HEARD THE DOOR OPEN,
18 PLAINTIFF TURNED AROUND AND DEFENDANTS HUNTER AND
19 GONZALES WERE WALKING OUT OF THE ROOM.

20 73. DEFENDANTS HUNTER AND GONZALES TOOK ONE
21 PHOTO OF PLAINTIFF WHILE FACING THE BACK OF THE HOLDING
22 CELL.

23 74. PLAINTIFF FOUND OUT LATER THAT DEFENDANT HUNTER
24 AND GONZALES SAID THAT THE PLAINTIFF REFUSED TO TAKE
25 PHOTOS.

26 75. PLAINTIFF NEVER REFUSED TO TAKE PHOTOS OR REFUSED
27 TO CORPORAIE WITH THE DEFENDANTS.

1 76. ON INFORMATION AND BELIEF, INVOLVED PERSONNEL, INCLUDING
2 CHAVEZ, SALAZER, VALERO, KYT, LIRIO, CHARLES, LOZA, RODRIGUEZ,
3 FURLONG, HUNTER, GONZALES, CRUZ, AND ACEBEDO, EITHER DID NOT
4 REPORT OR FALSELY REPORTED THE INCIDENT AND INJURIES RESULTING
5 FROM THEIR CONDUCT, IN VIOLATION OF CAL. PEN. CODE SECTION
6 118.1 (FALSE STATEMENTS IN CRIME REPORTS).

7 77. FOLLOWING THE INCIDENT, PLAINTIFF ROBERSON WERE
8 FALSELY CHARGED WITH BATTERY ON A PRISON STAFF. PLAINTIFF ROBERSON
9 WERE PUNISHED AS A RESULT OF THE CHARGES, INCLUDING BEING
10 PLACED IN ADMINISTRATIVE SEGREGATION UNIT/"THE HOLE".

11 78. PLAINTIFF RECEIVED A RULE VIOLATION REPORT, IIS LOG #
12 6892519, WAS FOUND GUILTY BY HEARING OFFICER J. DSTRANDER,
13 WAS ASSESSED 150 DAYS OF FORFEITURE OF CREDITS, AND WAS REFERRED
14 TO CLASSIFICATION COMMITTEE FOR POSSIBLE SECURITY HOUSING UNIT
15 TERM.

16 79. PLAINTIFF MADE A PERSONAL APPEARANCE BEFORE THE
17 CLASSIFICATION COMMITTEE WHERE ASSOCIATE WARDEN S. SWAIM
18 ADOPTED THE 150 DAYS LOSS OF CREDITS, AND ASSESSED THE
19 PLAINTIFF A 18 MONTH SECURITY HOUSING UNIT TERM.

20 80. PLAINTIFF WAS ALSO REFERRED TO THE KERN COUNTY DISTRICT
21 ATTORNEY OFFICE FOR PROSECUTION, CASE# DF015280A.

22 81. PLAINTIFF WAS FALSELY ACCUSED AND CHARGED WITH COUNT
23 #1 BATTERY ON STAFF (GASSING) BY SPITTING ON OFFICER KYT, AND
24 COUNT #2 WAS BATTERY ON OFFICER KYT BY TOUCHING HIM.

25 82. PLAINTIFF WENT TO A JURY TRIAL IN KERN COUNTY SUPERIOR
26 COURT DEPARTMENT #3, CASE# DF015280A.

27 83. PLAINTIFF WAS FOUND "NOT GUILTY" ON COUNT #1 BATTERY
28 AND COUNT #2 BATTERY ON OFFICER KYT.

1 84. DEFENDANTS CHAVEZ, SALAZER, VELERO, KYT, LIRIO, CHARLES,
2 LOZA, RODRIGUEZ, FURLONG, HUNTER, GONZALES, CRUZ, AND
3 ACEBEDO'S ACTIONS AND INACTIONS WERE UNLAWFUL, INCLUDING
4 VIOLATIONS OF CAL. PEN. CODE SECTIONS 147 (INHUMANITY TO
5 PRISONERS) AND NUMEROUS ASSAULTS BY OFFICERS UNDER COLOR
6 OF AUTHORITY).

7 85. PLAINTIFF WAS RETALIATED AGAINST DUE TO A PRIOR
8 EXCESSIVE FORCE CLAIM THAT HAPPEN ON MARCH 5, 2019,
9 FIVE MONTHS EARLIER.

10 86. PLAINTIFF WAS NOT TAKING TO THE TRIAGE TREATMENT
11 AREA (TTA) NOR TAKEN TO AN OFF-SITE HOSPITAL FOR
12 FURTHER EVALUATION IMMEDIATELY AFTER THE INCIDENT
13 DUE TO AN ATTEMPT TO SUPPRESS COMPLAINTS OF EXCESSIVE
14 AND UNREASONABLE FORCE AGAINST THE PLAINTIFF FOR THE
15 SECOND TIME.

16 87. THE CDCR/KVSP GRIEVANCE PROCEDURE IS ILLUSORY AND KAFKAESQUE.
17 PLAINTIFF ATTEMPTS TO SUBMIT CDCR FORM 602 APPEAL/GRIEVANCE
18 RELATED TO THE AUGUST 16, 2019, INCIDENT HAVE BEEN THWARTED
19 AND OBSTRUCTED BY NUMEROUS AND MERITLESS CANCELLATIONS,
20 REJECTIONS, AND/OR JUST DISAPPEARING BY CDCR/KVSP PERSONNEL
21 THAT HAVE REFUSED TO PROPERLY PROCESS THE 602 APPEAL OR
22 GRIEVANCES. TO DATE, PLAINTIFF WAS ONLY ABLE TO GET ONE
23 602 APPEAL/GRIEVANCE PROCESSED, ALL OTHER EFFORTS TO
24 "EXHAUST" WERE UNSUCCESSFUL.

25 88. ON INFORMATION AND BELIEF, UNLESS DEFENDANT PFEIFFER
26 IS DIRECTED AND MANDATED TO TAKE ACTION AGAINST THESE CORRUPTED
27 OFFICERS AND OTHERS THEREOF, SAID ILLEGAL CRIMINAL ORGANIZATION
28 WILL CONTINUE TO TERRORIZE THE PRISONERS HERE AT KVSP AND

1 CAUSE FURTHER DAMAGE AND POSSIBLE DEATH TO INMATES AT THE
2 PRISON. UNLESS THESE CURRUPTED OFFICERS ENJOINED FROM
3 CONTINUING IT'S ILLEGAL ACTS, INCLUDING SMUGGLING OF
4 CONTRABAND INTO THE KURE AND ARRANGING ASSAULTS AND "HITS"
5 BY PRISONERS AGAINST OTHER PRISONERS SUCH ~~AS~~ ILLEGAL ACTIVITIES
6 WILL CONTINUE WITH ATTENDANT HARM TO PLAINTIFF ROBERSON.
7 IF NOT TRANSFERRED TO ANOTHER PRISON (270 DESIGN DUE TO
8 PLAINTIFF MEETS THE CRITERIA).

9

10 PRAYER FOR RELIEF

11 WHEREFORE, PLAINTIFF ROBERSON SEEKS JUDGMENT AS
12 FOLLOWS:

13 1. FOR AN AWARD OF COMPENSATORY, GENERAL, AND SPECIAL
14 DAMAGES AGAINST DEFENDANTS CDCR, CHAVEZ, SALAZAR, VALERO,
15 KYT, LIRIO, LOZA, CHARLES, RODRIGUEZ, FURLONG, HUNTER, GONZALEZ,
16 CRUZ, ACEBEDO, ACCORDING TO PROOF AT TRIAL;

17 2. FOR AN AWARD OF EXEMPLARY/PUNITIVE DAMAGES UNDER
18 FEDERAL LAW AGAINST DEFENDANTS CDCR, CHAVEZ, SALAZAR, VALERO,
19 KYT, LIRIO, LOZA, CHARLES, RODRIGUEZ, FURLONG, HUNTER, GONZALEZ,
20 CRUZ, ACEBEDO, IN AN AMOUNT SUFFICIENT TO DETER AND TO MAKE
21 AN EXAMPLE OF THEM, BECAUSE THEIR ACTIONS AND/OR INACTIONS,
22 AS ALLEGED, WERE MOTIVATED BY EVIL MOTIVE INTENT, INVOLVED
23 RECKLESS OR CALLOUS INDIFFERENCE TO THE FEDERALLY PROTECTED
24 RIGHTS OF THE PLAINTIFF ROBERSON; OR WERE WANTONLY OR
25 OPPRESSIVELY DONE; AND UNDER STATE LAW AGAINST CHAVEZ,
26 SALAZAR, VALERO, KYT, LIRIO, LOZA, CHARLES, RODRIGUEZ, FURLONG,
27 HUNTER, GONZALEZ, CRUZ, AND ACEBEDO BECAUSE THEIR ACTIONS
28 AND/OR INACTIONS, AS ALLEGED, CONSTITUTED OPPRESSION, FRAUD,

OR MALICE RESULTING IN GREAT HARM TO THE PLAINTIFF ROBERSON.

3. FOR AN AWARD OF ANY OTHER FURTHER RELIEF, AS THE COURT DEEMS FAIR, JUST, AND EQUITABLE;

4. FOR PROSPECTIVE DECLARATORY AND INJUNCTIVE RELIEF AGAINST DEFENDANT PFEFFER, TO ENJOIN ONGOING AND CONTINUOUS VIOLATIONS OF RIGHTS;

5. FOR AN AWARD OF STATUTORY PENALTIES, PURSUANT TO CAL. CIV. CODE SECTION 52.1, AND ANY OTHER STATUTE AS MAY BE APPLICABLE.

VERIFICATION

I MORRIS ROBERSON, DECLARE THE FOLLOWING /FOREGOING COMPLAINT TO BE TRUE AND CORRECT FACTS AND ALLEGATIONS UNDER PENALTY OF PERJURY.

EXECUTED ON: 7/2/22

EXECUTED BY: MORRIS ROBERSON AT KERN VALLEY STATE PRISON.

Morris Roberson
MORRIS C. ROBERSON

PROOF OF SERVICE BY MAIL

BY PERSON IN STATE CUSTODY

(Fed. R. Civ. P. 5; 28 U.S.C. § 1746)

I, MORRIS ROBERSON, declare:

I am over 18 years of age and a party to this action. I am a resident of _____

KERN VALLEY STATE Prison,

in the county of KERN,

State of California. My prison address is: P. O. Box 5103, DELAND,
CALIFORNIA 93216.

On July 2, 2022
(DATE)

I served the attached: 42 U.S.C. §1983 COMPLAINT

(DESCRIBE DOCUMENT)

on the parties herein by placing true and correct copies thereof, enclosed in a sealed envelope, with postage thereon fully paid, in the United States Mail in a deposit box so provided at the above-named correctional institution in which I am presently confined. The envelope was addressed as follows:

MORRIS ROBERSON
#C836W/CZ/224
P. O. Box 5103
DELAND, CALIF. 93216

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
2500 TULARE STREET ROOM 1501
U.S. COURT HOUSE BUILDING
FRESNO, CALIFORNIA 93721-2201

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on 7/2/22
(DATE)

Morris Roberson
(DECLARANT'S SIGNATURE)